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PTO/SB/05 (11-00)

Approved for use through 10/31/2002. OMB 0651-0032  
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# UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 C.F.R. § 1.53(b))

Attorney Docket No. 020030-000400US

First Inventor

Kusinski, Grzegorz J.

Title

TRIPLE-PHASE NANO-COMPOSITE STEELS

Express Mail Label No.

EL 769971741 US

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning design patent application contents.

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)
2. ☒ Applicant claims small entity status.  
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 14]  
(preferred arrangement set forth below)
  - Descriptive title of the invention
  - Cross References to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the invention
  - Brief Summary of the invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 4]  
[Total Pages 1]
5. Oath or Declaration [Total Pages 1]
  - a. ☒ Newly executed (original or copy)
  - b. ☐ Copy from a prior application (37 CFR 1.63 (d))  
(for a continuation/divisional with Box 18 completed)
  - i. ☐ **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☒ Application Data Sheet. See 37 CFR 1.76

## ADDRESS TO

Assistant Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
  - a. ☐ Computer Readable Form (CRF)
  - b. Specification Sequence Listing on:
    - i. ☐ CD-ROM or CD-R (2 copies); or
    - ii. ☐ paper number of pages
  - c. ☐ Statements verifying identity of above copies

## ACCOMPANYING APPLICATIONS PARTS

9. ☒ Assignment Papers (cover sheet & document(s))
10. ☒ 37 C.F.R. § 3.73(b) Statement of Attorney (when there is an assignee) ☒ Power of Attorney
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. ☐ Nonpublication Request under 35 U.S.C. 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent
17. ☐ Other:

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP)  
Prior application information: Examiner \_\_\_\_\_

of prior application No. \_\_\_\_ / \_\_\_\_  
Group Art Unit: \_\_\_\_\_

For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 19. CORRESPONDENCE ADDRESS

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Address

City

State

Zip Code

Country

Telephone

Fax

Name (Print/Type)

M. Henry Heines

Registration No. (Attorney/Agent)

28,219

Signature

*M. Henry Heines*

Date

December 14, 2001

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# FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

## Complete If Known

Application Number  
Filing Date December 14, 2001  
via Express Mail #EL769971741  
First Named Inventor Kusinski, Grzegorz J.  
Examiner Name  
Group Art Unit  
Attorney Docket No. 020030-000400US

TOTAL AMOUNT OF PAYMENT (\$) 428

## METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit  
Account  
Number

20-1430

Deposit  
Account  
Name

Townsend and Townsend and Crew LLP

- ☒ Charge Any Additional Fee Required  
Under 37 CFR 1.16 and 1.17  
☒ Applicant claims small entity status.  
See 37 CFR 1.27

2. ☐ Payment Enclosed:

☐ Check ☐ Credit card ☐ Money  
Order ☐ Other

## FEE CALCULATION

### 1. BASIC FILING FEE

| Large<br>Fee<br>Code | Entity<br>Fee<br>(\$) | Small<br>Fee<br>Code | Entity<br>Fee<br>(\$) | Fee Description        | Fee Paid |
|----------------------|-----------------------|----------------------|-----------------------|------------------------|----------|
| 101                  | 740                   | 201                  | 370                   | Utility filing fee     | 370      |
| 106                  | 330                   | 206                  | 165                   | Design filing fee      |          |
| 107                  | 510                   | 207                  | 255                   | Plant filing fee       |          |
| 108                  | 740                   | 208                  | 370                   | Reissue filing fee     |          |
| 114                  | 160                   | 214                  | 80                    | Provisional filing fee |          |

SUBTOTAL (1)

(\$370)

### 2. EXTRA CLAIM FEES

|                       |    |       |   |   |                 |   |                          |   |      |             |
|-----------------------|----|-------|---|---|-----------------|---|--------------------------|---|------|-------------|
| Total Claims          | 22 | -20** | = | 2 | Extra<br>Claims | X | Fee from<br>below<br>\$9 | = | \$18 | Fee<br>Paid |
| Independent<br>Claims | 2  | -3**  | = | 0 |                 | X | \$42                     | = | \$0  |             |
| Multiple<br>Dependent |    |       |   |   |                 | X |                          | = |      |             |

| Large<br>Fee<br>Code | Entity<br>Fee<br>(\$) | Small<br>Fee<br>Code | Entity<br>Fee<br>(\$) | Fee Description   |
|----------------------|-----------------------|----------------------|-----------------------|---|
| 103                  | 18                    | 203                  | 9                     | Claims in excess of 20  |
| 102                  | 84                    | 202                  | 42                    | Independent claims in excess of 3                             |
| 104                  | 280                   | 204                  | 140                   | Multiple dependent claim, if not paid                         |
| 109                  | 84                    | 209                  | 42                    | ** Reissue independent claims over<br>original patent         |
| 110                  | 18                    | 210                  | 9                     | ** Reissue claims in excess of 20 and<br>over original patent |

SUBTOTAL (2)

(\$18)

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

| Large<br>Fee<br>Code | Entity<br>Fee<br>(\$) | Small<br>Fee<br>Code | Entity<br>Fee<br>(\$) | Fee Description  | Fee<br>Paid |
|----------------------|-----------------------|----------------------|-----------------------|--|-------------|
| 105                  | 130                   | 205                  | 65                    | Surcharge - late filing fee or oath  |             |
| 127                  | 50                    | 227                  | 25                    | Surcharge - late provisional filing fee<br>or cover sheet.                       |             |
| 139                  | 130                   | 139                  | 130                   | Non-English specification  |             |
| 147                  | 2,520                 | 147                  | 2,520                 | For filing a request for reexamination   |             |
| 112                  | 920*                  | 112                  | 920*                  | Requesting publication of SIR prior to<br>Examiner action                        |             |
| 113                  | 1,840*                | 113                  | 1,840*                | Requesting publication of SIR after<br>Examiner action                           |             |
| 115                  | 110                   | 215                  | 55                    | Extension for reply within first month   |             |
| 116                  | 400                   | 216                  | 200                   | Extension for reply within second<br>month                                       |             |
| 117                  | 920                   | 217                  | 460                   | Extension for reply within third month   |             |
| 118                  | 1,440                 | 218                  | 720                   | Extension for reply within fourth<br>month                                       |             |
| 128                  | 1,960                 | 228                  | 980                   | Extension for reply within fifth month   |             |
| 119                  | 320                   | 219                  | 160                   | Notice of Appeal   |             |
| 120                  | 320                   | 220                  | 160                   | Filing a brief in support of an appeal   |             |
| 121                  | 280                   | 221                  | 140                   | Request for oral hearing   |             |
| 138                  | 1,510                 | 138                  | 1,510                 | Petition to institute a public use<br>proceeding                                 |             |
| 140                  | 110                   | 240                  | 55                    | Petition to revive - unavoidable   |             |
| 141                  | 1,280                 | 241                  | 640                   | Petition to revive - unintentional   |             |
| 142                  | 1,280                 | 242                  | 640                   | Utility issue fee (or reissue)   |             |
| 143                  | 460                   | 243                  | 230                   | Design issue fee   |             |
| 144                  | 620                   | 244                  | 310                   | Plant issue fee  |             |
| 122                  | 130                   | 122                  | 130                   | Petitions to the Commissioner  |             |
| 123                  | 50                    | 123                  | 50                    | Petitions related to provisional<br>applications                                 |             |
| 126                  | 180                   | 126                  | 180                   | Submission of Information Disclosure<br>Stmnt                                    |             |
| 581                  | 40                    | 581                  | 40                    | Recording each patent assignment<br>per property (times number of<br>properties) | 40          |
| 146                  | 740                   | 246                  | 370                   | Filing a submission after final rejection<br>(37 CFR § 1.129(a))                 |             |
| 149                  | 740                   | 249                  | 370                   | For each additional invention to be<br>examined (37 CFR § 1.129(b))              |             |
| 179                  | 740                   | 279                  | 370                   | Request for Continued Examination (RCE)  |             |
| 169                  | 900                   | 169                  | 900                   | Request for expedited examination<br>of a design application                     |             |

Other fee (specify)

The Commissioner is authorized to charge any additional fees to  
the above noted Deposit Account.

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$40)

## SUBMITTED BY

|                   |                 |                                   |        |           |                   |
|-------------------|-----------------|-----------------------------------|--------|-----------|-------------------|
| Name (Print/Type) | M. Henry Hejnes | Registration No. (Attorney/Agent) | 28,219 | Telephone | 415-576-0200      |
| Signature         |                 |                                   |        | Date      | December 14, 2001 |

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**STATEMENT UNDER 37 CFR 3.73(b)**

Applicant/Patent Owner: Grzegorz J. Kusinski, David Pollack and Gareth Thomas

Application No./Patent No.: \_\_\_\_\_ Filed/Issue Date: Herewith

Entitled: TRIPLE-PHASE NANO-COMPOSITE STEELS

MMFX Technologies Corporation, a California corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of an undivided part interest

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

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The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

2. From: \_\_\_\_\_ To: \_\_\_\_\_  
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3. From: \_\_\_\_\_ To: \_\_\_\_\_  
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☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ Copies of assignments or other documents in the chain of title are attached.

**[NOTE:** A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.8]

The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the assignee.

12-12-01

Date

David Pollack

Signature

David Pollack

Typed or printed name

President and CEO

Title

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